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Office Supreme Court, U. S.
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IN THE

Supreme Court of the United States

OCTOBER TERM, 1954

No. 131

J. W. WHITEHOUSE, et al., *Petitioners,*

v.

ILLINOIS CENTRAL RAILROAD COMPANY, et al., *Respondents.*

On Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit

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OPPOSITION TO PETITION FOR MODIFICATION

MILTON KRAMER
SCHOENE AND KRAMER
Attorneys for Petitioners Whitehouse et al.

PRESS OF BYRON S. ADAMS, WASHINGTON, D. C.

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Counsel for some of the respondents have filed a "Petition for Modification" asking the Court to change some of the language in its opinion.

They do not ask for reconsideration. They do not object to what the Court did. They object only to the language with which the Court did it.

We consider it inappropriate for parties to try to rewrite a court's opinion after a court has decided a case. If coun-

sel for the Carrier Members of the Board had been given the opportunity to write the Court's opinion, apparently they would have written it differently. They point to no obvious mistake that requires correction. If we had written the Court's opinion, we too would have written it differently.

We suppose that litigants in other proceedings will derive what comfort they can from the opinion, and that advocates will cite it in support of propositions they advocate. We doubt that any language the Court may employ will prevent such practice, or that the practice should be prevented.

If opinions of the Court are to be modified in cases not of obvious mistake, but are to be attuned to the nuances that litigants feel are proper in the particular circumstances, judicial proceedings will be protracted interminably.

We submit the Petition for Modification should be denied.

Respectfully submitted,

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June 24, 1955